



**IN THE
UNITED STATES
PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: Raymond Liberatore

CASE: LIB-051003CO02

**PETITION UNDER 37
C.F.R. 1.137(b)**

SERIAL NO.: 10/810,485

FILED ON: March 26, 2004

FOR: SPREADER

Mail Stop Petitions
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

ATTENTION OF:

EXAMINER:

Dear Sir:

This petition is pursuant to 37 C.F.R. 1.137(b) as the present application has been unintentionally abandoned due to a failure to respond to the Missing Parts issued June 8, 2004.

Under 37 C.F.R. 1.137(b) a grantable petition requires the following items:

- (1) The reply required to the outstanding Missing Parts;
- (2) The petition fee as set forth under 37 C.F.R. 1.17(m); and,
- (3) A statement that the entire delay in filing the require reply from the due date for the reply until was unintentional.

08/01/2005 MAHMED1 00000079 10810485

04 FC:2453

750.00 0P

FACTOR & LAKE, LTD.
1327 W. Washington Blvd.
Suite 5G/H
Chicago, Illinois 60607
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| | |
|------------------------|-------|
| Jody L. Factor | 34157 |
| Micheal D. Lake | 33727 |
| Edward L. Bishop | 39110 |
| William J. Lenz | 44208 |
| Joseph M. Kinsella Jr. | 45743 |
| Nick S. Lee | 54260 |

With respect to item (1), Applicant hereby submits the required Response to the June 8, 2004 Missing Parts.

With respect to item (2), Applicant hereby asserts small entity status and encloses herewith the petition fee as set forth in 37 C.F.R. 1.17(m) of \$750.00.

With respect to item (3), Applicant submits that the entire delay in responding to the missing parts was unintentional. Submitted herewith as Exhibit A is a Declaration of Raymond Liberatore attesting to the facts surrounding the unintentional abandonment of the present application. Applicant has taken over five months to conduct a thorough search and to secure documents from the previous attorney of record to find any evidence that Figures 5, 6, 11-19A were filed with the application. To date, no evidence has been found.

In light of the foregoing, Applicant submits that all of the requirements of 37 CFR 1.137(b) have been satisfied. In turn, Applicant respectfully requests the granting of the petition and subsequent revival of the present application.

If any charges or fees must be paid in connection with the following communication, they may be paid out of our Deposit Account No. 50-0545.

Should anything further be required, a telephone call to the undersigned, at (312) 226-1818, is respectfully solicited.

Respectfully submitted,

FACTOR & LAKE, LTD.

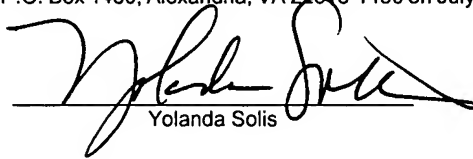


Edward L. Bishop, Reg. No. 39110
One of Attorneys for Applicant

Dated: July 27, 2005

CERTIFICATE OF FIRST CLASS MAILING

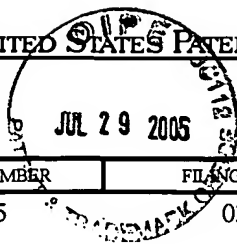
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 27, 2005.


Yolanda Solis



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov



| APPLICATION NUMBER | FILING OR 371(C) DATE | FIRST NAMED APPLICANT | ATTY. DOCKET NO./TITLE |
|--------------------|-----------------------|-----------------------|------------------------|
| 10/810,485 | 03/26/2004 | Raymond A. Liberatore | 10605 |

CONFIRMATION NO. 8130

ABANDONMENT/TERMINATION
LETTER

OC000000015211523

Edward L. Bishop
 Factor & Lake, LTD
 1327 W. Washington Blvd., Suite 5 G/H
 Chicago, IL 60607

Date Mailed: 02/17/2005

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 06/08/2004.

- No reply was received.

If a complete reply to the notice was previously filed by applicant within the time period set forth in the notice, applicant may request for reconsideration of the holding of abandonment within 2 months from the mailing of this notice of abandonment by filing a petition to withdraw the holding of abandonment under 37 CFR 1.181(a). No petition fee is required. The petition must be accompanied by a true copy of the originally filed reply and the item (s) identified in one of the following:

1. A properly itemized date-stamped postcard receipt (see MPEP § 503);
2. If the originally filed reply included a certificate of mailing or transmission in compliance with 37 CFR 1.8(a), a copy of the certificate of mailing or transmission and a statement in compliance with 37 CFR 1.8(b) (see MPEP §§ 512); or
3. If the reply was filed via Express Mail, a submission satisfying the requirements of 37 CFR 1.10(e) including, for example, a copy of the Express Mail mailing label showing the "date-in" (see MPEP § 513).

Any petition to withdraw the holding of abandonment should be directed to OIPE.

If applicant did not previously file a complete reply within the time period set forth in the notice, applicant may file a petition to revive the application under 37 CFR 1.137.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(i); and (4) a terminal disclaimer if required by 37 CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/61.

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37

CFR 1.137(d). See MPEP § 711.03(c) and Form PTO/SB/64.

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

A copy of this notice MUST be returned with the reply.

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Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Raymond A. Liberatore
CASE: LIB-051003C002
SERIAL NO.: 10/810,485
FILING DATE: March 26, 2004
MARK: SPREADER

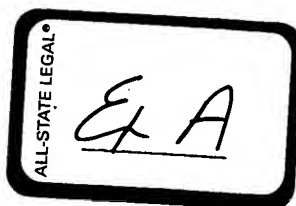
COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Commissioner:

DECLARATION OF RAYMOND A. LIBERATORE

I, Raymond A. Liberatore, state as follows:

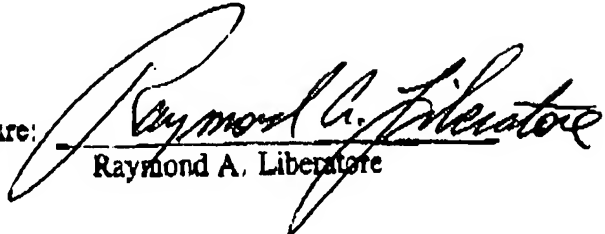
1. I am the sole inventor of Patent Application Serial No. 10/810,485 ("the '485 Application"), filed on March 26, 2004.
2. The '485 Application has not been assigned.
3. It is my understanding that a Notice to File Missing Parts issued for the '485 Application on June 8, 2004.
4. I was unaware that the Notice to File Missing Parts had issued for the '485 Application until on or about February 23, 2005.
5. It is my understanding that the '485 Application was deemed to be abandoned because a response was not filed within six months after the issuance of the Notice to File Missing Parts.
6. I only became aware that a Notice to File Missing Parts had been issued upon receiving a Notice of Abandonment for the '485 Application on or about February 23, 2005.
7. Soon after learning that the '485 Application was abandoned, I directed Edward L. Bishop (Registration No. 39,110) to revive the '485 Application.
8. At no time have I ever intended to abandon the '485 Application.



Under penalty of perjury, I declare that the foregoing is true and correct to the best of my knowledge.

Dated: July 25th, 2005

Signature: _____


Raymond A. Liberator